

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2153.05
COMPLAINT INVESTIGATOR: Jennifer Campbell
DATE OF COMPLAINT: July 9, 2004
DATE OF REPORT: August 5, 2004
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: August 25, 2004

COMPLAINT ISSUES:

Whether the East Allen County Schools violated:

511 IAC 7-25-5(c) by failing to take one of the requisite actions upon the parent's request for an independent educational evaluation and upon the parent's subsequent request for reimbursement for an independent educational evaluation obtained at the parent's expense.

511 IAC 7-25-4 by failing to follow appropriate procedures when a parent requested an initial educational evaluation of a student.

On July 16, 2004, the Director of Special Education granted an extension of time until August 13, 2004, because the Local Director was in training and unable to respond by the identified response date.

FINDINGS OF FACT:

1. The Student is eighteen years old and was formally referred during the Student's senior year of high school for an educational evaluation to determine the nature and extent of a suspected disability. Although the Student has graduated from high school, the events occurred within the Student's senior year.
2. On October 31, 2003, the Complainant called the School and requested an educational evaluation of the Student. The School held a personal meeting with the Complainant on November 5, 2003. At the meeting, the Complainant withdrew the request for an educational evaluation. At this time the Student was 17 years old.
3. Following the Student's 18th birthday, the Complainant telephoned the School and requested an educational evaluation. The School informed the Complainant that when a student attains eighteen years of age, the Student must provide written consent for an educational evaluation. The School held a personal meeting with the Student on February 19, 2004. The assigned school psychologist participated in the meeting. The permission form was given to the Student; however, the Student decided not to sign the form. The School sent the permission form home with the Student to sign and return to the School, in case the Student decided to go ahead with the evaluation.
4. The Student sent a letter to the Director, dated February 22, 2004, requesting an independent educational evaluation (IEE) at public expense. On February 23rd, the Director spoke to the Complainant by telephone and stated an IEE would not be authorized.

5. The Director received a letter from the Student, dated February 28, 2004, in which the Student requested an “academic evaluation.” The letter did not mention “independent” or “at public expense.” The Director sent a letter to the Student, dated March 3, 2004, confirming that an “impartial” school psychologist would be sent to the School to complete an evaluation, and that the School would record the request for an evaluation as received on February 22, 2004, the date of the first written request.
6. On April 12, 2004, a licensed teacher completed an observation of the Student as part of the educational evaluation process. On April 26, 2004, the School Psychologist went to the School to evaluate the Student.
7. On April 26, 2004, the Student informed the School Psychologist that the Student was being tested privately and withdrew in writing the referral for an evaluation. The School did not complete the educational evaluation of the Student.

CONCLUSIONS:

1. Finding of Fact #4 indicates that the Student requested an independent educational evaluation (IEE), and Finding of Fact #5 indicates that the School responded in writing within ten business days, but neither initiated a due process hearing nor granted the request for an IEE. However, the Student (and the Complainant) did not disagree with an evaluation conducted by the School, as Findings of Fact #2, #3, and #7 indicate that consent for evaluation was not given or was revoked. Under 511 IAC 7-25-5(b), a parent (or student who has reached the age of the majority) has the right to an IEE at public expense only after the School’s completion of an educational evaluation with which the parent (or student who has reached the age of majority) disagrees. Therefore, because 511 IAC 7-25-5(b) does not apply, no violation of 511 IAC 7-25-5(c) occurred.
2. Findings of Fact #2 and #3 indicate that the School followed procedures required by seeking informed consent for evaluation after holding personal meeting(s). Finding of Fact #5 indicates that the School followed required procedures by treating the Student’s written request for evaluation as written consent for evaluation. Finding of Fact #6 indicates that the School followed required procedures by beginning the educational evaluation within the sixty-day timeline. Finding of Fact #7 indicates that the School followed required procedures by honoring the Student’s right to revoke consent as defined in 511 IAC 7-17-18(3). Therefore, no violation of 511 IAC 7-25-4 occurred.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.